

COPY

Mr. & Mrs. Gerald L. Hern
5157 Barstow Bridge Road
Kettle Falls, Washington 99141



STATE OF WASHINGTON
CERTIFICATE OF WATER RIGHT

Document Title: Certificate of Water Right

Agency: Department of Ecology
Eastern Regional Office
4601 North Monroe
Spokane, WA 99205-1295

Applicant: Gerald L. & Carolyn F. Hern
5157 Barstow Bridge Road
Kettle Falls, Washington 99141

Reference Number:

| PRIORITY DATE | APPLICATION NUMBER | PERMIT NUMBER | CERTIFICATE NUMBER |
|-------------------|--------------------|---------------|--------------------|
| September 1, 1993 | S3-29542 | S3-29542P | S3-29542C |

This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Permit issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington, and is hereby confirmed by the Department of Ecology and entered of record as shown, but is limited to an amount actually beneficially used.

PUBLIC WATERS TO BE APPROPRIATED

| SOURCE | TRIBUTARY OF (IF SURFACE WATERS) | | |
|----------------------------|----------------------------------|-------------------------|--|
| Kettle River | Columbia River | | |
| MAX. CUBIC FEET PER SECOND | MAX. GALLONS PER MINUTE | MAX. ACRE-FEET PER YEAR | |
| 0.04 | | 2.14 | |

QUANTITY, TYPE OF USE, PERIOD OF USE

0.04 cubic foot per second, 2.14 acre-feet per year, from April 1 to August 1, each year, for the irrigation of 1 acre, and standby fire protection as needed for emergency use only.

LEGAL DESCRIPTION OF LOCATION OF DIVERSION/WITHDRAWAL

| $\frac{1}{4}$ $\frac{1}{4}$ | SECTION | TOWNSHIP N. | RANGE (E. OR W.) W.M. | W.R.I.A. | COUNTY |
|---|---------|-------------|-----------------------|----------|--------|
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Government Lot 2) | 20 | 38 | 37 E. | 60 | Ferry |

PARCEL #: 7-38-20-50-00080-00

ADDITIONAL LEGAL IS ON PAGE 2

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

| $\frac{1}{4}$ $\frac{1}{4}$ | SECTION | TOWNSHIP N. | RANGE (E. OR W.) W.M. | W.R.I.A. | COUNTY |
|---|---------|-------------|-----------------------|----------|--------|
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Government Lot 2) | 20 | 38 | 37 E. | 60 | Ferry |

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CONTINUED LEGAL DESCRIPTION FOR LOCATION OF DIVERSION/WITHDRAWAL

500 feet South and 1000 feet East from the N $\frac{1}{4}$ corner of Sec. 20.
Lot 9, Division #1, of Kettle River Park Estates.

CONTINUED LEGAL DESCRIPTION FOR PROPERTY ON WHICH WATER IS TO BE USED

Lots 8-14, Division No. 1 of Kettle River Park Estates, being in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ (Government Lot 2)
Sec. 20, T. 38 N., R. 37 E.W.M.

PROVISIONS

All certificated irrigation shall cease by August 1 of each year.

At such time that the Department of Ecology determines that management of the subject waters is necessary and in the public interest, an approved measuring device shall be installed and maintained in accordance with RCW 90.03.360 or WAC 508-64-020 through WAC 508-64-040.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.

This authorization to make use of public waters of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.

That portion of this authorization relating to irrigation is classified as a Family Farm Certificate in accordance with Chapter 90.66 RCW (Initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 2,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 2,000 acres of irrigated agricultural lands in the State of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

All diversion shall cease when the flow of the Kettle River falls below 570 cubic feet per second as measured at the Laurier Gage. This flow has been tentatively established from recommendations of the Departments of Fisheries and Wildlife. At such time as flows are established on this stream in accordance with Chapter 90.22 RCW, or Chapter 90.54 RCW, this authorization shall be conditioned to the extent of the new setting, provided that, under no conditions shall this diversion be subjected to a more restrictive low flow requirement.

This certificate shall be issued subject to Washington Department of Fish and Wildlife screening criteria as outlined in a Hydraulic Project Approval. Please contact the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, Attention: Habitat Management Division, Phone (360) 902-2534, to obtain specific requirements for your project.

The right to use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380, 90.03.390, and 90.44.020.

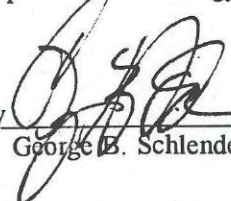
This certificate of water right is specifically subject to relinquishment for non-use of water as provided in RCW 90.14.180.

*Given under my hand and the seal of this office at Spokane, Washington,
this 26th day of October, 1998.*



ENGINEERING DATA
OK car
ECY 040-1-2 (Rev. 8-97)

Tom Fitzsimmons, Director
Department of Ecology

By 
George B. Schlender, Section Manager

COBY